

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Anthony LaFauci  
Plaintiff

- V -

Peter Pepe, ET - al.  
Defendant's

FILED  
CLERK OF COURT  
Civil Action No. 04-12608-REK  
JUL 2 2005 01-11689-JLK

MOTION OF OBJECTION TO THE MASSACHUSETTS DEFENDANT'S MOTION TO DISMISS

Now comes the plaintiff Anthony LaFauci, as Pro-Se Osborn Correctional Institution P.O. Box 100 Somers, Connecticut 06071 and states as follows:

1) The defendants attorney has issued a motion to dismiss (3) three defendants Michael Maloney, the former Commissioner of the Massachusetts Department of Corrections, Officer Wayne Travies, who on August 19, 1999 had assaulted me hitting punching me and dragging me on a floor causing physical injuries while I was on crutches, Officer Scott Calendar whom on December 19, 1999 with officer Badge Number 1454 physically assaulted me in a Sallyport area of MCI Walpole Mass Po Box 100 These issues were filed and docket No. 01-11689 JLK and was unlawfully dismissed with out prejudice and was told to file a new claim.

2) The plaintiff states clearly that every defendant to include Badge number 1454 and John Doe - 1 were issued 01-11689 and the complaint, summons Notice of Appearance for defendants was issued April 18, 2002 Margaret Melville, Counsel. This was issued by and through the U.S Marshal on January 28, 2002.

3) The defendants attorney in her motion states that there is a 3 year limitations period for civil rights claim G.L. c. 260 § 5B and a 3 year personal injury G.L. c. 260 § 2A; G.L. c. 258 § 4 and which this claim is not just filed as 04-12608-REK and accordingly these claim are not Meet or run out of limitations

WHEREFORE the plaintiff respectfully request this court to grant as follows:

(A) Order the defendants were prior issued docket No 01-11689JLT with a summons, complaint and a notice of Appearance was issued on April 18, 2002 or about by there attorney.

(B) Order the defendants motion be dismiss as its "Moot" due to the prior issued summons that were processed with in a one  $\frac{1}{2}$  years after the serious assaults that took place at MCI Cedar Junction Walpole Massachusetts well in the three year limitation period claims for civil rights.

(C) Grant such further relief as may seem just and proper by this court

July 25, 2005

Respectfully Submitted  
X Anthony L. Linares Pro-Se

Osborn Correctional Institution  
P.O. Box 100  
Somers, Connecticut  
06071

Certification Service

I hereby certify that a copy of the above foregoing motion was mail to the defendants Attorney Julie E Daniele BBO #600093 legal Division Department of Corrections 70 Franklin Street, Suite 600 Boston, Massachusetts 02110-1300

July 25, 2005 X Anthony L. Linares Pro Se  
284473

Osborn Correctional Institution  
P.O. Box 100  
Somers, Connecticut 06071

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U.S. Department of Justice  
United States Marshals Service

**PROCESS RECEIPT AND RETURN**

See Instructions for "Service of Process by the U.S. Marshal"  
on the reverse of this form.

PLAINTIFF <b>ANTHONY LAFAUDI</b>	COURT CASE NUMBER <b>No. 01 - 11689 - JLT</b>
DEFENDANT <b>JOHN DOE BADGE NUMBER 1454</b>	TYPE OF PROCESS <b>Civil Action 1983</b>

**SERVE**  
➔  
**AT**

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN  
**Cedar-Junction Walpole Correctional Institution**

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)  
**PO BOX 100 2450 Main Street South Walpole, Massachusetts 02071 - 0100**

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:	Number of process to be served with this Form - 285	<b>1</b>
<b>Anthony LaFauci Cheshire Correctional Institution 900 Highland Avenue Cheshire, Connecticut 06410</b>	Number of parties to be served in this case	<b>26</b>
	Check for service on U.S.A.	<b>YES</b>

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):

He is a correctional officer that on December 19, 1999 had intentionally stepped onto my face with office Scott Callander while Bill Vosher watch in the office window in the Salty-Port of The Modular Unit morning time.

Signature of Attorney or other Originator requesting service on behalf of: <i>Anthony LaFauci</i>	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	TELEPHONE NUMBER <b>781</b>	DATE <b>8/23/2002</b>
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**SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE**

I acknowledge receipt for the total number of process indicated. (Sign only first USM 285 if more than one USM 285 is submitted)	Total Process <b>1</b>	District of Origin No. <b>38</b>	District to Serve No. <b>38</b>	Signature of Authorized USMS Deputy of Clerk <i>Lacey Salas</i>	Date <b>11/28/02</b>
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I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in the defendant's usual place of abode.
Address (complete only if different than shown above)	Date of Service Time am pm
	Signature of U.S. Marshal or Deputy

Service Fee	Total Mileage Charges (including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund
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REMARKS:

**NOTE**